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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/987,118 | 11/13/2001 | Takahiko Nomura | 111094 | 6341 |

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EXAMINER

GODDARD, BRIAN D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2171

DATE MAILED: 04/23/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,118

Applicant(s)

NOMURA ET AL.

Examiner

Brian Goddard

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0065709 to MacKenzie.

Referring to claim 1, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of MacKenzie's specification for this disclosure. MacKenzie teaches "a knowledge-based management diagnosis method [See Fig. 1] comprising the steps of:

collecting [105] and accumulating [110, 115, 205-215] awareness data [survey instruments] from a plurality of subjects [employees/respondents] in an organization, the

awareness data expressing at least knowledge assets [knobless items] and feature assets [knobby items] about actions; and

analyzing [120-130] the accumulated awareness data, and outputting [135 (Specifically Step 625)] results of the analysis [a Results Report] to a presentation side terminal ['client'] through a communication link [Internet via e-mail (See e.g. Paragraphs 0072-0073)]" as claimed.

Referring to claim 2, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figure 1 and the corresponding portions of MacKenzie's specification for this disclosure. MacKenzie teaches the method of claim 1, as above, wherein the knowledge assets are temporal knowledge assets [opinions/subjective answers (e.g. from EOS)] in a situation where said respective subjects [employees/respondents] contribute to said organization [as workers] as claimed.

Referring to claim 3, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figure 1 and the corresponding portion of MacKenzie's specification for this disclosure. MacKenzie teaches the method of claim 1, as above, wherein knowledge-based management assets [holonomic properties (HPs)] concerning the knowledge-based management of the organization are further collected [from the ODS] from said respective subjects and accumulated as part of the knowledge assets [See Steps 105 & 115] as claimed.

Referring to claim 4, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figure 1 and the corresponding portion of

MacKenzie's specification for this disclosure. MacKenzie teaches the method of claim 1, as above, wherein the feature assets include information pertaining to work styles of each subject [coding information for each respondent (See Paragraphs 0067-0074)] as claimed.

Referring to claims 5-6, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figure 1 and the corresponding portion of MacKenzie's specification for this disclosure. MacKenzie teaches the method of claim 4 as above, wherein information pertaining to work styles of each subject include status pertaining to autonomy [rank, unit], location where work is performed [See Paragraphs 0067-0074], and interrelation with other subjects [rank, unit] as claimed.

Referring to claims 7-11, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of MacKenzie's specification for this disclosure. MacKenzie teaches the method of claim 1, as above, wherein the step of analyzing said accumulated awareness data includes determining a correlation [Step 120] between the awareness data of the knowledge assets [knobless items] and the feature assets [knobby items], the knowledge assets [knobless items] and the feature assets [knobby items] pertaining to each subject's cooperation with other subjects [by client splits (See Fig. 2)], the knowledge assets [knobless items] and the knowledge-based management assets [Holonomic Properties (HPs)]...as claimed.

Referring to claims 12 and 13, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figures 1-2 and the corresponding

portions of MacKenzie's specification for this disclosure. MacKenzie teaches the method of claim 1, as above, further comprising the steps of grouping the subjects [See Step 215]...and constructing information communities ['splits'] that express the subject groups as claimed.

Referring to claim 14, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of MacKenzie's specification for this disclosure. MacKenzie teaches the method of claim 1, as above, wherein said awareness data is collected from each of a predetermined set of organizations [units/splits]...as claimed.

Referring to claim 15, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of the specification for this disclosure. MacKenzie teaches the method of claim 1, as above, wherein the step of collecting and accumulating awareness data is performed using a server [e-mail server] prior to the step of analyzing the accumulated awareness data [See e.g. Paragraphs 0072-0073] as claimed.

Referring to claim 16, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figures 1-2 and the corresponding portions of the specification for this disclosure. MacKenzie teaches the method of claim 15, as above, wherein said awareness data is weighted [via scaled answers] by each subject as claimed.

Claim 17 is rejected on the same basis as claim 13, in light of the basis for claim 16. See the discussion regarding claims 13 and 16 above for the details of this disclosure.

Claims 18 and 19 are each rejected on the same basis as claim 1. See the discussion regarding claim 1 above for the details of this disclosure.

Claims 20-30 are rejected on substantially the same basis as claims 1-17 above. See the discussions regarding claims 1-17, and the corresponding cited portions of MacKenzie's specification, for the details of this disclosure.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Nos. 6,556,974 to D'Alessandro; 5,918,207 to McGovern et al.; and 5,909,669 to Havens are each considered particularly pertinent to applicant's claimed invention.

The remaining prior art of record is considered pertinent to applicant's disclosure, and/or portions of applicant's claimed invention.

4. If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office


action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 703-305-7821. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg
16 April 2004


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER